

Notice of Allowability

Application No.

09/850,349

Examiner

Shefali D. Patel

Applicant(s)

BRASPENNING ET AL.

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed on 4/8/05.
2. ☒ The allowed claim(s) is/are 1-9.
3. ☒ The drawings filed on 23 July 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 7/6/05.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

ALLOWANCE

Drawings

1. New corrected drawings in compliance with 37 CFR 1.121(d) are **required in this application because the drawings filed on July 23, 2004 was a 'replacement sheet.'** Please provide a formal drawings as the proposed replacement sheet was approved Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Response to Arguments

2. Applicant's arguments, see Remarks on pages 7-8, filed on March 25, 2005, with respect to Claims 1-9 have been fully considered and are persuasive. The rejections of claims 1-9 have been withdrawn.

Allowable Subject Matter

3. Claims 1-9 are allowed.

4. The following is an examiner's statement of reasons for allowance:

The instant invention defines a method/system and an apparatus for processing a video signal for choosing an optimal candidate value to be used for matching a block from a first image with an area from a second image as recited in independent claims 1, 4, 7 and 9. The claimed invention distinguishes over the prior art by the manner in which the matching error is being calculated. The claimed combination allows for improving a method of choosing a value to be used for matching a block from an image with another image. This matching method is conventional in the art. However, the prior art of record fails to teach choosing the optimal candidate value from the set based on the calculated matching errors, characterized in that the block is formed by pixels, a selection is made of pixels of the block from the first

Art Unit: 2621

image which are not visibly occluded in the area to be matched from the second image, and the calculation of a matching error excludes from the calculation said pixels of the block that are visible occluded. These elements in combination with all of the other elements of the claims are not taught or fairly suggested in the prior art of record. The dependent claims 2-3, 5-6, and 8 are allowed for the same reasons. Note, newly cited prior art cited (Guichard et al., US 5,909,251) discloses estimating occlusions between at least two image frames of a sequence of frames. However, the prior art yet again fails to teach the selecting of pixels in the first image if it is not occluded by a pixel in the second image and then the matching error excluding errors determined from pixels that are occluded.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shefali D. Patel whose telephone number is 571-272-7396. The examiner can normally be reached on M-F 8:00am - 5:00pm (First Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Mancuso can be reached on (571) 272-7695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shefali D Patel
Examiner
Art Unit 2621

July 6, 2005

Shafali
SHEFALI D. MANCL
PRIMARY EXAMINER